



Ethics Committee

Time and Date

10.00 am on Thursday, 19th March, 2020

Place

Committee Room 3, Council House, Coventry

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 14)
 - a) To agree the Minutes of the previous meeting held on 20 November, 2019
 - b) Any matters arising
4. **Six Monthly Review of Officers' Gifts and Hospitality** (Pages 15 - 24)
Report of the Director of Finance and Corporate Services
5. **Six Monthly Review of Members' Gifts and Hospitality** (Pages 25 - 38)
Report of the Director of Finance and Corporate Services
6. **Code of Conduct/Monitoring Officer Update** (Pages 39 - 46)
Report of the Director of Finance and Corporate Services
7. **Work Programme for the Ethics Committee 2020/21** (Pages 47 - 52)
Report of the Director of Finance and Corporate Services
8. **Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Martin Yardley, Deputy Chief Executive, Place, Council House Coventry

Wednesday, 11 March 2020

Note: The person to contact about the agenda and documents for this meeting is Suzanne Bennett Tel: 024 7697 2299 Email: suzanne.bennett@coventry.gov.uk

Membership: Councillors A Andrews, S Atkinson (Independent Person), A Barton (Independent Person), P Hetherington, J Mutton, S Walsh (Chair), D Welsh, R Wills (Independent Person) and P Wiseman (Independent Person)

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting
OR if you would like this information in another format or
language please contact us.

Suzanne Bennett

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Coventry City Council
Minutes of the Meeting of Ethics Committee held at 9.30 am on Wednesday, 20
November 2019

Present:

Members: Councillor S Walsh (Chair)

Councillor R Bailey (substitute for Councillor A Andrews)
Councillor P Hetherton
Councillor J Mutton
Councillor D Welsh

Independent Persons: S Atkinson
A Barton
R Wills (Chair for Minute 19 below)
P Wiseman

Other Members: Councillor G Williams

Employees (by Directorate):

Place: S Bennett, C Bradford, J Newman, M Yardley

Others Present: D Kitson, Independent Investigator, Bevan Brittan

Apologies: Councillor A Andrews

Public Business

17. Declarations of Interest

There were no declarations of interest.

18. Appointment of Independent Chair

RESOLVED that Ruth Wills, Independent Person, be appointed as the Chair for consideration of the matter referred to in Minute 19 below relating to “Hearing into Complaint Under Code of Conduct”.

19. Hearing into Complaint Under Code of Conduct

The Ethics Committee considered a report of the Director of Finance and Corporate Services which detailed a complaint made against Councillor G Williams (the “Subject Member”). The complainant alleged that the Subject Member had breached the Code of Conduct for Elected and Co-opted Members.

A formal complaint was made on 19 February, 2019 that the Subject Member had posted inappropriate comments on social media which amounted to accusing

Planning staff of corruption by deliberately taking the Planning Portal down and engaging in, and encouraging, a situation where it was suggested that Planning staff should be assaulted. The Complainant alleged that this behaviour breached paragraphs 3(i), (j) and (k) of the Code of Conduct for Elected and Co-opted Members and the Member/Officer Protocol.

A Stage One review of the complaint concluded that an Independent Investigator should be appointed to investigate the complaint. An Independent Investigator was duly appointed to carry out the investigation and he concluded that the Subject Member had breached the three paragraphs of the Code of Conduct as outlined above.

The Committee considered the following:-

- a) Presentation of the Investigation report
- b) Presentation of the Subject Member's response to the Investigation report
- c) Summing up from both the Investigating Officer and the Subject Member
- d) Views and submissions of the Independent Person (Peter Wiseman)

The Committee then determined the complaint and concluded that there had been a breach of paragraphs 3 (i), (j) and (k).

Before determining what sanctions, if any, should be applied, the Subject Member and the Independent Person were invited to make representations as to whether or not any sanctions should be applied and, if so, what form they should take. The Committee noted that the application of any sanction should be reasonable and proportionate to the Subject Member's behaviour.

RESOLVED that the conclusion of the Committee be as set out in the Decision Notice attached as Appendix1 to these Minutes.

20. **Ruth Wills**

On behalf of the Committee, the Chair, Councillor S Walsh, thanked Ruth Wills for chairing the meeting for the item of business referred to in Minute 19 above.

21. **Any Other Items of Urgent Public Business**

There were no other items of urgent public business.

(Meeting closed at 12.45pm)

Twitter user, Cllr Williams had engaged and encouraged a situation where someone was suggesting that employees should be assaulted.

- 2.3 The complaint was referred to Mr David Kitson, a Senior Associate with Bevan Brittan solicitors for investigation.
- 2.4 Mr Kitson concluded that Cllr Williams had been acting in his capacity as a Councillor when the incident occurred. He also concluded that he had breached three paragraphs of the Code of Conduct namely:
- (a) Paragraph 3(i): value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good government;
 - (b) Paragraph 3(j): always treat people with respect; and
 - (c) Paragraph 3(k): provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council
- 2.5 In particular Mr Kitson concluded, on balance, that:
- (a) In his tweet, Cllr Williams was implying that the Council and more particularly the Planning Department may have purposefully and improperly taken down the Planning Portal to stop objections being made to the Keresley planning application. Even if the Councillor was doing so in a tongue in cheek manner, this would be unlikely to be evident objectively. In any case the Councillor's own belief that residents within the Keresley area had a particular mistrust and dislike of the Council and the planning process should have made him think carefully about the tweet.
 - (b) the Councillor himself did not think that the spoof account's reply or his subsequent comment in relation to violence against women would cause distress or undermine Officers. It was however how the comments sit in the context of increasing levels of abuse, intimidation and violence towards not only Officers but also elected members and other public figures, that was of concern.
 - (c) the Councillor's Twitter post had the potential to undermine the Planning Department and cause distress to Officers. Further, although the subsequent discussion that took place between the Councillor and the spoof account was most likely tongue in cheek, it was nonetheless inappropriate in the circumstances, particularly so on account of the contentious nature of the planning application in question, as well as the wider issues with the increasing intimidation of those in public life.
- 2.6 Mr Kitson did not accept Cllr Williams' view that, with regard to the rhetorical question in his tweet, he was not suggesting what residents should think and was just being provocative.

- 2.7 Cllr Williams advised Mr Kitson that the spoof account's reply was tongue in cheek and in response to the prevailing news at that time. He also added that if he had not already known of the spoof account and its usual activity, he would have ignored the reply, but because he knew that the spoof account enjoyed engaging in banter, he did reply. However, Mr Kitson took the view that this exchange was published to the world on Twitter and regardless of what the Councillor thought of it, its meaning could have been taken out of context and misconstrued by others.
- 2.8 Mr Kitson did not accept Cllr Williams' assertion that the complaint was motivated by the fact that the Complainant is in a relationship with the Head of Planning and that the complaint was "hot-headed" and "outrageous". Looking at the circumstances objectively, Mr Kitson thought that there was justification for the complaint being made, and in consequence the relationship between the Complainant and the Head of Planning was not relevant.

E Hearing

- 3.1 The Ethics Committee consisted of:
- Cllr Roger Bailey
 - Cllr Patricia Hetherington
 - Cllr John Mutton
 - Cllr Seamus Walsh
 - Cllr David Welsh

The hearing was chaired by Ruth Wills, one of the Council's Independent Persons. Ms Wills took no part in the Committee's discussions or the decisions that it reached with regard to whether there had been a breach or breaches of the Code or in its discussions or decision concerning the imposition of sanctions.

- 3.2 Cllr Williams attended the hearing.
- 3.3 Mr David Kitson, the Investigating Officer (IO), attended the hearing. Mr Kitson outlined his investigation and took the Committee through his report. He called the Complainant to give evidence. He and the Complainant answered questions from both the Committee and from Cllr Williams.
- 3.4 Cllr Williams presented his case. He said that he had made the tweet because he was concerned about the length of time the planning portal was down. It was an attempt to get the message across to his ward residents that they had to get comments on the application to the Council by 4 February. He produced evidence via an FOI request which showed that the planning portal had been down on 477 occasions between July and October 2019. In tweeting, he had also hoped to get the planners to sort out the problems with the portal.

- 3.5 Cllr Williams said that if the Complainant had come to see him personally about the tweet and explained what he thought the issue was, Cllr Williams would have apologised to the Head of Planning and deleted the tweet. As it was, he had received what he considered to be an inappropriate email from him. He felt that he was an easy target for bullying because he was an “independent councillor”.
- 3.6 If he had thought there was any genuine threat in the response that he received from the spoof account, he would not have engaged with it. In his view the complaint and everything that followed from it had been counterproductive. If the Complainant and the Head of Planning had dealt with the problems with the portal, this would not have happened.

F Consultation with Independent Person

- 4.1 The Independent Person, Mr Peter Wiseman, OBE, LLB gave his opinion on the complaint to the Committee. This can be summarised as follows:
- 4.2 Mr Wiseman was approaching the case with no preconceptions about any previous history, but it was clear that things were going wrong with the planning portal. Cllr Williams appreciated this and so that informed his approach. It is recognised that planning can be a very emotive subject with different groups taking up different and sometimes contradictory positions. For example, local residents may have a particular view on a planning application but that might be at odds with the Council which might take a city-wide approach.

A Councillor has a very hard tightrope to walk and needs to exercise a measure of independent judgment and not just be the representative of residents' views. It is a question of balance. If a significant portion of the population doesn't have trust in the process, local government falls apart. Councillors should not shy away from asking questions though.

Mr Wiseman reminded the Committee of the comments in the Heesom case (page 43 of the bundle):

“...Civil servants are, of course, open to criticism, including public criticism; but they are involved in assisting with and implementing policies, not (like politicians) making them. As well as in their own private interests in terms of honour, dignity and reputation..., it is in the public interest that they are not subject to unwarranted comments that disenable them from performing their public duties and undermine public confidence in the administration. Therefore, in the public interest, it is a legitimate aim of the State to protect public servants from unwarranted comments that have, or may have, that adverse effect on good administration...”

In his view, a reasonable person reading Cllr Williams' tweet would have a question raised in their mind about the good faith of officers dealing with planning applications and the planning portal. The “rhetorical

question” cannot be treated as a throwaway remark. Cllr Williams had said that he was trying to be provocative but someone else might read this and wonder if something was going wrong with the system. It would raise questions about whether there is something dodgy in the planning department. Councillors are entitled to raise questions about such things, but in the right manner.

A person reading the comments about the Head of Planning would not know that this was from a spoof account and might well believe the comment to be genuine. There are many people who engage with social media who take threats seriously and might act upon them. If Cllr Williams is going to engage in social media then it is his responsibility to be absolutely sure that what he says cannot be misinterpreted and he has a positive obligation to do this and to have a duty of care towards officers.

Cllr Williams can still continue with his work for residents, but he needs to recognise the obligations on him under the Nolan Principles since there is a real potential of serious damage being caused if he does not.

F Findings

5.1 After considering the submissions of the parties to the hearing and the views of the Independent Person, the Committee reached the following decision(s):

That Cllr Williams had breached paragraphs 3(i), 3(j) and 3(k) of the Code of Conduct for Elected and Co-opted Members in that he had failed to:

- (a) value...colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect.... that is essential to good government
- (b) always treat people with respect
- (c) provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council

G Reasons

6. **The Committee’s reasons for reaching its decision are as follows:**

6.1 The Committee took the view that the two issues in this case were:
(a) what Cllr Williams had meant by his rhetorical question in his tweet and how it might be interpreted; and
(b) whether the subsequent exchange with the spoof account about the Head of Planning encouraged a situation in which someone was suggesting that Council employees be assaulted.
and whether either, or both, amounted to a breach of the Code of Conduct

The rhetorical question

- 6.2 The Committee did not accept Cllr Williams' argument that his purpose in posting the tweet was to draw his ward residents' attention to the fact that the planning portal was down and that they needed to get any comments on the planning application in before the deadline. He could have done this without including the sentence "is this an attempt to stop people from objecting??"
- 6.3 The inclusion of the sentence was, by his own admission, intended to be provocative and in the Committee's view it **was** provocative. Given the context of the planning application, it was not unreasonable for readers to infer that it was the Council, and possibly the planning department who had deliberately taken the portal down. In posting this sentence Cllr Williams was going beyond merely informing his ward residents of the situation and was encouraging readers to make adverse inferences about the way the Council, and the Planning Department operate.
- 6.4 The Committee concluded that the comment was thoughtless, it showed a lack of respect for officers and was inappropriate. By posting as he did, he undermined the work of planning officers.
- 6.5 Cllr Williams sought to justify his comments by pointing out the problems (ongoing) with the Planning Portal and claiming that his tweet was also an attempt to get the issue resolved. While the Committee accepted that there is clearly an issue, it has no bearing on the comment that he made which carries a clear inference that the portal was taken down deliberately.

The exchange with the spoof account

- 6.6 The Committee accepts that Cllr Williams does not condone violence against anyone. However, it does not accept his explanation that he only engaged with the spoof account because he knew it to be tongue in cheek and that he would not have responded or engaged if this were not so or he did not know the person responding. A post on Twitter is, as the Investigator pointed out, a post to the world and Cllr Williams could not have known who else might have seen the exchange and who may have taken it at face value as encouraging violence against council officers.
- 6.7 The Committee does not accept Cllr Williams' argument that the matter needs to be seen in the context of allegations of bullying within the Council and his assertion that he is subjected to bullying and adverse treatment by reason of being an independent councillor. Concerns of that nature should be addressed through proper processes and do not justify subjecting officers to potential abuse and unwarranted accusations of wrong doing.

- 6.8 The Committee agrees with the Investigator that this exchange must be seen in the context of the increasing incidence of both verbal and physical abuse and intimidation of, not only public employees, but also elected members and other people in public life nationally. The Committee took particular note of the Complainant's evidence of violence and intimidation of officers at the Council and the measures that are now needed to be taken to help mitigate against this.
- 6.9 Regardless of what Cllr Williams' intentions were, the exchange occurred with little thought on Cllr Williams' part as to the effect that it might have on planning officers trying to carry out their jobs in an increasingly hostile environment. The Committee believes that in engaging in this exchange and by treating a suggestion of assault as light-hearted banter, he failed to value or respect officers, causing distress and undermining them. The post was irresponsible and showed a lack of concern as to the possible consequences for officers.
- 6.10 The Committee also noted that Cllr Williams had indicated that he would have apologised to the Head of Planning and deleted the tweet if the Complainant had approached him personally rather than via email. This suggests that he understood that his post was inappropriate and should have been deleted.
- 6.11 In failing to close down the exchange with the spoof account, Cllr Williams failed to comply with his duty to not only to respect and value employees but to show leadership in his dealings with members of the public on social media. The Committee considers that Cllr Williams has failed to appreciate his duty to comply with all of the Nolan Principles and not just the ones relating to how he represents his ward residents.

H Sanctions applied

- 7.1 The Committee heard from Cllr Williams on the question of sanctions. He indicated that if the Committee felt that he had breached the Code then he apologised to them.
- 7.2 The Committee also heard Mr Wiseman, the Independent Person on the question of sanctions. His comments are summarised as follows:

Cllr Williams is a dedicated councillor, but this is the third time that he has appeared before the Committee. On one occasion there was a finding of no breach. He is aware of everything that is required of him in terms of the Nolan Principles and therefore it is difficult to envisage any training that might be of any benefit to him. He has been on social media training and is clearly competent in its use. Cllr Williams' heart is in the right place but occasionally he lacks sound judgment. As an Independent Councillor without a group to support him, he may feel lonely and beleaguered. It is possible that he might find the help of a mentor to be useful and there needs to be a dialogue established especially with senior officers.

7.3 The Committee decided to:

- (a) publish its findings in respect of Cllr Williams' conduct; and
- (b) recommend to full Council that it formally censures Cllr Williams for his conduct.

I Appeal

8. There is no right of appeal against the Committee's decision.

J Notification of decision

9. This decision notice is sent to:
- Mr Martin Yardley
 - Councillor Glenn Williams
 - Mr David Kitson and
 - Mr Peter Wiseman, OBE, LLB

The decision will also be published on the Council's website.

K Additional help

10. If you need additional support in relation to this decision notice or future contact with the City Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language.

Ethics Committee

Coventry City Council

27 November 2019

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19 March 2020

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

None

Title: Six Monthly Review of Officers' Gifts and Hospitality

Is this a key decision?

No

Executive Summary:

In its work programme, the Committee has decided to review entries in the Registers of Officers' Gifts and Hospitality every six months. This report sets out the entries in the Registers for the period 1 July to 31 December 2019.

Recommendations:

The Ethics Committee is recommended to consider the entries of gifts and hospitality received by officers for the last six months of 2019 and make any recommendations that it considers appropriate.

Appendix included: Table of Gifts and Hospitality received by Officers: July to December 2019

Other useful background papers:

None

Has it been, or will it be considered by Scrutiny?

No

Has it been, or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Six Monthly Review of Officers' Gifts and Hospitality

1. Context (or background)

- 1.1 The Committee's work programme includes an item for this meeting to review entries on the registers of officer gifts and hospitality every six months.
- 1.2 The Code of Conduct for Employees sets out the requirements for employees when being offered or accepting gifts or hospitality. The basic rules are:

(a) Gifts

- Personal gifts should never be accepted unless they are modest and are of token value (less than £25). The manager's permission must be obtained
- Items such as coffee mugs, diaries, calendars, pens or other promotional materials can be retained if they are in use in the office and can be considered to form part of the general mailings of a company.
- Where small gifts, such as chocolates, are given as thanks for a service provided, these can be accepted if they are shared within the Team or raffled for charity.
- Gifts worth more than £25 should be refused. If this is not possible, the manager should dispose of them to charity and record the fact in the register.

(b) Hospitality

- Hospitality consisting of light refreshments, working lunch or other meals which are part of a visit, conference, meeting or promotional exercise is acceptable.
- Invitations to social events offered as part of normal working life, or where the Council should be seen to be represented, may be accepted if authorised in advance by the appropriate Assistant Director.
- Invitations to other types of hospitality which are not directly linked to the City Council's functions should not be accepted.

The rules relating to gifts and hospitality were amended by the Committee in July 2016 and those changes were accepted by full Council in September 2016.

2. Options considered and recommended proposal

- 2.1 The Directorates have been asked to provide details of gifts and hospitality received during the last 6 months of 2019. The position for each directorate is set out in the Table in the Appendix to this report.

3. Results of consultation undertaken

Each Directorate was asked to provide details of their registers.

4. Timetable for implementing this decision

- 4.1 Not applicable.

5. Comments from Director of Finance and Corporate Services

- 5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

There are no specific legal implications arising from this report. However, reviewing the gifts and hospitality offered to employees on a regular basis will help to demonstrate that the Council continues to monitor and review ethical standards within the Council.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Not applicable.

6.2 How is risk being managed?

Reviewing gifts and hospitality received by employees will help to reduce the risk of acceptance of inappropriate gifts or hospitality.

6.3 What is the impact on the organisation?

Keeping matters such as this under review will help to promote high standards amongst elected members and employees in accordance with the Localism Act.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author: Carol Bradford

Name and job title: Corporate Governance Lawyer, Regulatory Team, Legal Services

Directorate: Place

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Place	04/03/20	04/03/2020
Names of approvers for submission: (officers and members)				
Graham Clark	Finance	Place	04/03/20	04/03/2020
Julie Newman	Legal Services Manager	Place	28/02/20	03/02/2020
Barry Hastie	Director of Finance and Corporate Services	Place	04/03/20	09/03/2020
Cllr Walsh	Chair, Ethics Committee		04/03/20	04/03/2020

This report is published on the council's website: www.coventry.gov.uk/councilmeeting

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APPENDIX 1: REGISTER OF OFFICER GIFTS AND HOSPITALITY JULY TO DECEMBER 2019

Officer	Date	Description	G or H?	£	Provided by	Justification	Any conflict or future tender?	Approved by	Date
Chief Executive's Office									
Chief Executive	15.08.19	Lunch at The Botanist, Birmingham	H	£50	Shearer Property Group	To discuss transition and future arrangements for key developments in the city.	No	N/A	N/A
Chief Executive	11.09.19	One night complimentary accommodation at Inside Hotel Manchester	H	£200	Emap/LGC	Guest speaker at the LGC Summit at 08:45 on 12/09/19	No	N/A	N/A
Chief Executive	12.09.19	Dinner at Coventry Cathedral as part of the British Science Festival	H	£75	British Science Association	Representing CCC to showcase the cutting-edge science, technology and engineering taking place across Coventry & Warwickshire and the wider West Midlands region.	No	N/A	
Chief Executive	27.09.19	NSPCC Charity Ball at the Ricoh Arena	H	£100	Coventry & Warwickshire Children's Charity	Representing CCC at the highest profile charity event for children in need across the city.	No	N/A	N/A
Chief Executive	15.10.19	Solace Summit - International Dinner at The Sky by the Water Bar, Birmingham	H	£75	Solace	Representing Solace to welcome International delegates to the Solace Summit.	No	N/A	N/A

Chief Executive	16.10.19	Solace Summit - Zurich Municipal Dinner at Warwick Castle	H	£75	Zurich Municipal	Representing CCC networking with other Chief Executives and Solace Business Partners to discuss current issues facing local Government.	No	N/A	N/A
Chief Executive	17.10.19	Solace summit - Annual Charity Dinner at Hilton Metropole, Birmingham	H	£75	Virgin Media	Representing CCC networking with other Chief Executives and Solace Business Partners to discuss current issues facing local Government.	No	N/A	N/A
Chief Executive	02.11.19	Wasps -v- Bath at the Ricoh Arena	H	£75	Wasps	Representing CCC and joining key partners to promote the city and discuss partnership working initiatives.	No	N/A	N/A
Chief Executive	05.11.19	Coventry University Chancellor's Dinner	H	£75	Coventry University	Annual event to reflect on the past twelve months at Coventry University, and across Coventry, to acknowledge the impact of City of Sport, look ahead to City of Culture and highlight the role all partners play in creating Coventry as a City of Hope.	No	N/A	N/A
People Directorate									
Deputy Chief Executive People	24.10.19	Lunch at the Ricoh	H	£	Coventry University	Being Well festival	No	Chief Executive	
Deputy Chief Executive People	04.11.19	Dinner at Coombe Abbey	H	£	Chris Ham and Don Berwick	Introduction to Don Berwick	No	Chief Executive	

Director of Housing and Transformation	21.11.19	Business awards	H	£60	Orbit Housing	Progressing housing and homelessness agenda	No	Deputy Chief Executive People	11.09.19
Head of Housing and Homelessness	21.11.19	Business awards	H	£60	Orbit Housing	Progressing housing and homelessness agenda	No	Deputy Chief Executive People	11.09.19
Place Directorate									
City Solicitor and Monitoring Officer	11.07.19	Reception by Barristers Chambers for legal professionals	H	£15	11KBW	Networking event with other legal professionals from public and private sector.	No— Chambers instructed on legal cases	Director of Finance and Corporate Services	01.08.19
Director of Transportation & Highways	22.11.19	Rail trip to Winchester including lunch and dinner	H	£100	RLB – CCC VLR cost Consultants	Networking event – CCC embarking on procurement of Joint Venture to deliver VLR – opportunity to network with companies that may be interested in future JV opportunity	No	Deputy Chief Executive Place	
Senior Rail Programme Manager	22.11.19	Rail trip to Winchester including lunch and dinner	H	£100	RLB – CCC VLR cost Consultants	Networking event – CCC embarking on procurement of Joint Venture to deliver VLR – opportunity to network with companies that may be interested in future JV opportunity	No	Director of Transportation & Highways	
Major Projects Lead Lawyer	03.12.19 and 04.12.19	Complimentary pass to attend a Local Government Conference. (accommodation and meal)	H	£100	Local Government Partnership Network	Networking and opportunity to learn what other Local Authorities are undertaking to face challenges which also exist in Coventry.	No	City Solicitor and Monitoring Officer	28.11.19

Director of Business, Investment and Culture	30.10.19	Vodafone Business Lounge at Wasps vs Bath Match	H	£50	Vodafone Business Group	Working closely with Vodafone - Networking	No	Deputy Chief Executive Place	31.10.19
Business Development Advisor	21.02.19	Wasps vs Saracens Rugby Match	H	£75	Wright Hassall Solicitors	Ongoing relationship with Wright Hassall relating to delivery of external projects.	No	Head of Economic Development	11.02.20



19 March 2020

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

None

Title: Six Monthly Review of Members' Declarations of Gifts and Hospitality

Is this a key decision?

No

Executive Summary:

This report sets out details of declarations of gifts and hospitality made by members for the period 1 July to 31 December 2019. The Committee last reviewed these at its meeting on 12 September 2019. The Committee is asked to consider the declarations.

Recommendations:

The Ethics Committee is recommended to consider the gifts and hospitality register entries received from 1 July to 31 December 2019 and to make any recommendations that it considers appropriate.

List of Appendices included:

Appendix 1: Declarations of gifts and hospitality received between 1 July to 31 December 2019.

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Review of Members' Declarations of Gifts and Hospitality

1. Context (or background)

- 1.1 The Ethics Committee has, as part of its work programme, decided to review on a regular basis the declarations of gifts and hospitality made by members. Appendix 1 contains copies of all declarations received from members from 1 July to 31 December 2019. The time period covered by this report has been adjusted slightly to bring it in line with the time period covered by the report on Officer Gifts and Hospitality also on the agenda for this meeting.

2. Options considered and recommended proposal

- 2.1 The declarations received between 1 July 2019 and 31 December 2019 are attached as Appendix 1. In total 8 forms have been received from 6 elected members. There have been no requests by members of the public to view the register during this time.
- 2.2 The Committee is recommended to consider the declarations made in the last six months of 2019 and to make any recommendations that it considers appropriate.

3. Results of consultation undertaken

- 3.1 None.

4. Timetable for implementing this decision

Any recommendations of the Committee will be implemented within an appropriate time frame.

5. Comments from the Director of Finance and Corporate Services

- 5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

- 5.2 Legal implications

Members are required to declare Gifts and Hospitality under section 4 of the Code of Conduct for Elected Members at Part 4 of the Council's Constitution. Whilst there is currently no statutory requirement for members to declare in this way, maintaining a process and register aids transparency and assists the Council in promoting and maintaining high standards of ethical behaviour as is required under section 27 of the Localism Act 2011.

6 Other implications

None

- 6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report, but a failure to implement and maintain a system of Declarations of Gifts and Hospitality can impact on the organisation's ethical behaviour and transparency.

6.3 What is the impact on the organisation?

The routine declaration of gifts and hospitality received should assist in protecting Elected Members from unfounded allegations of bias and facilitate good and clear transparent decision making.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

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Directorate: Place

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Place	04/03/20	04/03/2020
Names of approvers for submission: (officers and members)				
Graham Clark	Finance	Place	04/03/2020	04/03/2020
Julie Newman	Legal Services Manager	Place	28/02/2020	03/03/2020
Barry Hastie	Director of Finance and Corporate Services	Place	04/03/2020	09/03/2020
Cllr Walsh	Chair of Ethics Committee		04/03/2020	04/03/2020

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Appendix: Extracts from Members' Register of Gifts and Hospitality: 1 July to 31 December 2019

Declaration of Gifts and Hospitality under Members' Code of Conduct

Name of Elected Member	Cllr Andrews
Position held e.g. cabinet member, shadow cabinet member, elected member etc.	Deputy Leader of the Opposition
Date on which gift or hospitality was offered and received or accepted	21.11.19
Person or organisation offering or providing the gift or hospitality and link to the Council if appropriate	Editor of the Coventry Telegraph
Full details of what was received	Coventry Telegraph Business Awards
Actual cost or estimated cost e.g. face value of tickets, price of set menu at venue etc.	£150
Justification for accepting the gift or hospitality	To show support for the event which includes awards for a host of different businesses, charities and public sector bodies operating in fields as diverse as manufacturing, professional services, property and hospitality.
Signature of member:	
Date:	22.11.19

Declaration of Gifts and Hospitality under Members' Code of Conduct

Name of Elected Member	Linda Bigham
Position held e.g. cabinet member, shadow cabinet member, elected member etc.	Lord Mayor
Date on which gift or hospitality was offered and received or accepted	November 9th, 2019
Person or organisation offering or providing the gift or hospitality and link to the Council if appropriate	Volgograd City,
Full details of what was received	Russian Shawl
Actual cost or estimated cost e.g. face value of tickets, price of set menu at venue etc.	Difficult to price £35.00
Justification for accepting the gift or hospitality	Civic 75 th Anniversary visit from Volgograd delegation
Signature of member: Date: 26 th November 2019	

September 2015

Declaration of Gifts and Hospitality under Members' Code of Conduct

Name of Elected Member	Linda Bigham
Position held e.g. cabinet member, shadow cabinet member, elected member etc.	Lord Mayor
Date on which gift or hospitality was offered and received or accepted	October 31st, 2019
Person or organisation offering or providing the gift or hospitality and link to the Council if appropriate	Volgograd City,
Full details of what was received	Goat hair knee rug and socks
Actual cost or estimated cost e.g. face value of tickets, price of set menu at venue etc.	Difficult to price approx. £65.00
Justification for accepting the gift or hospitality	Civic 75 th Anniversary visit to Volgograd
Signature of member: Date: 26 th November 2019	

Declaration of Gifts and Hospitality under Members' Code of Conduct

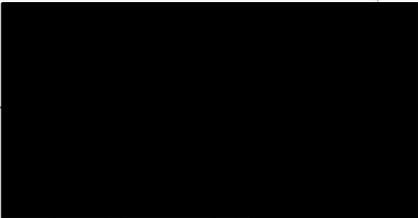
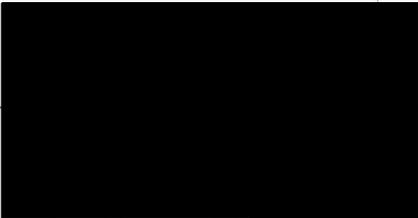
Name of Elected Member	Cllr Ridley
Position held e.g. cabinet member, shadow cabinet member, elected member etc.	Leader of the Opposition
Date on which gift or hospitality was offered and received or accepted	21.11.19
Person or organisation offering or providing the gift or hospitality and link to the Council if appropriate	Editor of the Coventry Telegraph
Full details of what was received	Coventry Telegraph Business Awards
Actual cost or estimated cost e.g. face value of tickets, price of set menu at venue etc.	£150
Justification for accepting the gift or hospitality	To show support for the event which includes awards for a host of different businesses, charities and public sector bodies operating in fields as diverse as manufacturing, professional services, property and hospitality.
Signature of member:	
Date:	3.12.19

September 2015

Declaration of Gifts and Hospitality under Members' Code of Conduct

Name of Elected Member	Councillor George Duggins
Position held e.g. cabinet member, shadow cabinet member, elected member etc.	Leader and Cabinet Member, Policy and Leadership
Date on which gift or hospitality was offered and received or accepted	20 th October 2019
Person or organisation offering or providing the gift or hospitality and link to the Council if appropriate	Wasps RFC, Coventry.
Full details of what was received	2 x tickets for Wasps v London Irish plus hospitality before and after the game
Actual cost or estimated cost e.g. face value of tickets, price of set menu at venue etc.	£280 + VAT
Justification for accepting the gift or hospitality	Representing the City Council as Leader.
Signature of member:	
Date:	21 st November 2019 

Declaration of Gifts and Hospitality under Members' Code of Conduct

Name of Elected Member	Councillor George Duggins
Position held e.g. cabinet member, shadow cabinet member, elected member etc.	Leader and Cabinet Member, Policy and Leadership
Date on which gift or hospitality was offered and received or accepted	21 st December 2019
Person or organisation offering or providing the gift or hospitality and link to the Council if appropriate	Wasps RFC, Coventry.
Full details of what was received	1 x ticket for Wasps v Harlequins plus hospitality before and after the game
Actual cost or estimated cost e.g. face value of tickets, price of set menu at venue etc.	£140 + VAT
Justification for accepting the gift or hospitality	Representing the City Council as Leader. 
Signature of member:	
Date:	23 rd December 2019 

September 2015

Declaration of Gifts and Hospitality under Members' Code of Conduct

Name of Elected Member	Cllr Pat Seaman
Position held e.g. cabinet member, shadow cabinet member, elected member etc.	Cabinet Member Children and Young People
Date on which gift or hospitality was offered and received or accepted	28 th September 2019
Person or organisation offering or providing the gift or hospitality and link to the Council if appropriate	Coventry Rugby
Full details of what was received	Lunch and Match ticket x 1 Adult
Actual cost or estimated cost e.g. face value of tickets, price of set menu at venue etc.	Estimated cost £25
Justification for accepting the gift or hospitality	To represent Coventry City Council at the first home game played on the new surface of Butts Park Arena
Signature of member:	
Date:	18/11/2019

Declaration of Gifts and Hospitality under Members' Code of Conduct

Name of Elected Member	Cllr Christine Thomas
Position held e.g. cabinet member, shadow cabinet member, elected member etc.	Elected Member
Date on which gift or hospitality was offered and received or accepted	28 th September 2019
Person or organisation offering or providing the gift or hospitality and link to the Council if appropriate	Coventry Rugby
Full details of what was received	Lunch and Match ticket x 1 Adult
Actual cost or estimated cost e.g. face value of tickets, price of set menu at venue etc.	Estimated cost £25
Justification for accepting the gift or hospitality	To represent Coventry City Council at the first home game played on the new surface of Butts Park Arena
Signature of member:	
Date:	5 th November 2019

September 2015



19 March 2020

Name of Cabinet Member:

N/A - Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

None

Title: Code of Conduct/Monitoring Officer Update

Is this a key decision?

No

Executive Summary:

This report updates members of the Ethics Committee on any national issues in relation to the ethical behaviour of elected members and the local position in Coventry with regard to Code of Conduct issues.

Recommendations:

The Ethics Committee is recommended to:

1. Note the cases determined under the standards regime nationally and
2. Note the local position relating to the operation of the Council's Code of Conduct and to delegate any actions arising from these to the City Solicitor and Monitoring Officer, in consultation with the Chair of the Ethics Committee.

List of Appendices included: None

Other useful background papers can be found at the following web addresses:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Code of Conduct update

1. Context (or background)

1.1 The Council's Ethics Committee has agreed that the Monitoring Officer will provide a regular update on cases relating to the Members' Code of Conduct on a national basis. This is to facilitate the Ethics Committee's role in assisting the Council with its duties under section 27 of the Localism Act 2011 to promote and maintain high standards of member conduct.

1.2 The national picture

1.2.1 Since the abolition of the Standards Board for England, national statistics and case reports are no longer collated. Therefore, any cases reported are taken from general research where councils publish details of their conduct hearings in public.

1.2.2 Councillor L: Bournemouth Christchurch and Poole Council

In January 2020, Bournemouth Christchurch and Poole Council's Standards Committee considered an investigation into a complaint about a councillor whose use of social media (specifically Twitter) was alleged to have breached the Code of Conduct.

The complaints arose when the councillor re-tweeted an article in a local online magazine which the complainants considered as hate speech and anti-Semitic. The complainants believed that by re-tweeting the article, Cllr L endorsed and promoted the sentiments in the article.

The Investigator recommended that no further action be taken against Cllr L because he had concluded that the councillor had not been acting in her capacity as a councillor when she re-tweeted the article. This was because although her account at the time included "Labour councillor" as one of her activities, she posted without using her council title, she did not use her Twitter account to deal with Council business and there were no postings about her activities at the council or about the business of the Council generally. The Investigator felt that a constituent interested in Cllr L's council activities would not find such information on Twitter. Neither would they interpret her activities on Twitter as part of her council duties.

Although the Standards Committee resolved that the Code of Conduct did not apply to Cllr L on this occasion, it did have a discussion about the wider issues of how councillors made use of social media and the take-up of training among councillors.

Commentary: *this case again shows how careful councillors need to be in their use of social media and how difficult it can be to distinguish between posts in a personal and in an official capacity. While the Investigator was able to make this distinction, the three complainants clearly believed that the councillor was acting in her official capacity.*

1.3. The local picture

Complaints under the Code of Conduct

1.3.1 The Ethics Committee has requested that the Monitoring Officer report regularly on any complaints received relating to Members of Coventry City Council.

1.3.2 The Monitoring Officer has received 17 new complaints since the date of the last meeting at which the previous report was considered (12 September 2019). While this appears to be a relatively high number of complaints, it does cover a six-month period. In addition, six of the complaints related to remarks made by one councillor on one occasion. These six complaints are the subject of an investigation.

1.3.3 In three cases, although the complainant expressed a desire to lodge a complaint, no formal complaint has been made and in another the matter appeared to be a service complaint with no councillor involved.

1.3.4 The position with regard to the remaining 7 complaints is as follows:

- 2 complaints have been reviewed and no further action recommended
- 2 complaints are at Stage 1 (being reviewed at officer level)
- 3 complaints have been reviewed by officers and are with an Independent Person for consideration

1.3.5 All complaints are handled in accordance with the agreed Complaints Protocol. No findings have been made by the Local Government Ombudsman in relation members of Coventry City Council. No complaints have been received by the Monitoring Officer in respect of a Parish Councillor.

Local Ombudsman

1.3.6 In 2018/19, the Local Government and Social Care Ombudsman received 100 complaints and enquiries against the local authority, down from 135 in 2017/18. If the Ombudsman decides there was fault or maladministration causing an injustice to the complainant, they will typically recommend that a council take some action to address it.

1.3.7 In 2018/19, the Ombudsman investigated 18 complaints against Coventry City Council, and upheld 10 complaints. The ten upheld complaints (maladministration) were in the areas of:

- household waste collections (4 complaints) and
- abandoned vehicles; adult social care; children's services; education services; housing services and planning (1 complaint each)

Details of all 18 investigations (10 upheld, 8 not upheld) are set out at:
<https://edemocracy.coventry.gov.uk/documents/s45503/04%20-%20Appendix%203.pdf>.

1.3.8 Officers will bring a full report on Ombudsman complaints for 2019/20 to Ethics Committee in September 2020.

2. Options considered and recommended proposal

Members of the Committee are asked to:

1. Note the cases determined under the standards regime nationally and
2. Note the local position relating to the operation of the Council's Code of Conduct and to delegate any actions arising from these to the City Solicitor and Monitoring Officer, in consultation with the Chair of the Ethics Committee.

3. Results of consultation undertaken

3.1 There has been no consultation as there is no proposal to implement at this stage which would require a consultation.

4. Timetable for implementing this decision

4.1 Any actions arising from this report will be implemented as soon as possible.

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

There are no specific legal implications arising from this report. The issues referred to in this report will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

6 Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

6.3 What is the impact on the organisation?

No direct impact at this stage

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author: Carol Bradford

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Directorate: Place

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Place	04/03/20	04/03/20
Names of approvers for submission: (officers and				

members)				
Finance: Graham Clark		Place	04/03/20	04/03/20
Legal: Julie Newman	City Solicitor and Monitoring Officer	Place	04/03/20	
Barry Hastie	Director of Finance and Corporate Services	Place	04/03/20	09/03/20
Councillor Walsh	Chair of Ethics Committee		04/03/20	04/03/20

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19 March 2020

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

Not applicable

Title:

Work Programme for the Ethics Committee 2020/21

Is this a key decision?

No

Executive Summary:

This report suggests areas of work for the Ethics Committee for the Municipal Year 2020/21. The Committee is asked to consider the draft work programme and make any suggestions for additional or alternative reports.

Recommendations:

The Ethics Committee is recommended to review the work programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate.

List of Appendices included:

Draft Work programme

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Draft Work Programme 2020/21

1. Context (or background)

1.1 The Committee's Terms of Reference are set out in the Council's Constitution and include the consideration of matters which are relevant to the ethical governance of the Council, its members or employees. This report attaches a proposed programme of work for the Committee, designed to assist the Committee to meet its objectives set out in the Terms of Reference, and to ensure that the Council complies with its obligations under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct amongst elected and co-opted members.

1.2 The Committee's draft work programme takes account of the need to promote standards and addresses this in a number of ways. It is a draft work programme and is flexible in terms of suggestions from members of the Ethics Committee as to additional or substitute areas which they would want to consider and receive reports on.

2. Options considered and recommended proposal

2.1 The work programme includes regular items on:

- Code of Conduct/ Monitoring Officer Update
- Declarations of gifts and hospitality by members and officers
- Annual report to full Council
- CSPL annual report
- Local Ombudsman's annual report

2.2 In addition it is suggested that the Ethics Committee factor into the work programme a number of matters where work is being, or about to be, undertaken across the Council, namely:

- The development and approval of a travel and conference policy
- Monitoring, and responding to, the Local Government Association's work on civility in public life
- The work of a member/officer group which is developing a local response to the LGA's guidance on intimidation in public life
- Employee values

Officers will also monitor and report on any legislative changes arising from the CSPL's report and recommendations of January 2019 and any progress on a new, national, Code of Conduct.

2.3 Recommendation

The Ethics Committee is recommended to review the work programme attached as Appendix 1 and make any changes or amendments the Committee considers appropriate.

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

4.1 Not applicable

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

There are no specific legal implications arising from this report, as there is no statutory obligation on the Committee to adopt a work programme. However, the Council must comply with its obligations under section 27 of the Localism Act 2011 and the continuation of a clear programme of work would assist in compliance for the Council as a whole, in its duty to promote high standards of ethical conduct.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

6.3 What is the impact on the organisation?

If implemented, the work programme will facilitate the promotion of high standards amongst elected members in accordance with the Localism Act.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None at this stage

Report author(s): Carol Bradford

Name and job title: Corporate Governance Lawyer, Regulatory Team, Legal and Democratic Services

Directorate: Place

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Finance: Graham Clark		Place	04/03/20	04/03/20
Legal: Julie Newman	City Solicitor and Monitoring Officer	Place	04/03/20	04/03/2020
Director: Barry Hastie	Director of Finance and Corporate Services	Place	04/03/20	09/03/2020
Cllr Walsh	Chair: Ethics Committee		04/03/20	04/03/20

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Appendix 1

Work Programme for the Municipal year 2020/21

Meeting no. and date	Topics
2020/21	
1. July 2020	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Annual Report of the Committee
	Review of Guidance to Councillors on Declaration of Interests
	Travel and Conference Policy
	Work Programme 2020/21
2. September 2020	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Officers Gifts and Hospitality -Inspection of Registers for first 6 months of 2020.
	Members Gifts and Hospitality -Inspection of Registers for first 6 months of 2020.
	Standards in Public Life- update from national body usually published in August each year.
	Work Programme 2020/21
3. December 2020	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Intimidation in Public Life
	Civility in Public Life
	Employee Values
	Work Programme 2020/21
4. March 2021	
	Monitoring Officer/Code of Conduct/ Members Complaints Update.
	Officers Gifts and Hospitality -Inspection of Registers for last 6 months of 2020.
	Members Gifts and Hospitality -Inspection of Registers for last 6 months of 2020.
	Work Programme 2021/22